

## **EXHIBIT 6**

**UNITED STATES DISTRICT COURT**  
 for the  
**Western District of New York**

Black Love Resists in the Rust, et al.

*Plaintiff*s

v.

City of Buffalo, N.Y., et al.

*Defendant*s

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Civil Action No. 1:18-cv-00719

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
 OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: Erie County, N.Y., Central Police  
 Services (Attention Marlaine Hoffman)

*(Name of person to whom this subpoena is directed)*

*Production:* **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

See Attached Schedule A

Place:	WESTERN NEW YORK LAW CENTER Main Seneca Building 237 Main Street, Suite 1130 Buffalo, NY 14203	Date and Time:
		9:00 AM, March 29, 2019

*Inspection of Premises:* **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: March 15, 2019

*CLERK OF COURT*

OR

*Signature of Clerk or Deputy Clerk*

*Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* \_\_\_\_\_, who issues or requests this subpoena, are:

Claudia Wilner, National Center for Law and Economic Justice, 275 Seventh Avenue,  
 Suite 1506, NY, NY 10001; (212) 633-6967, wilner@nclcj.org

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for (name of individual and title, if any) \_\_\_\_\_  
on (date) \_\_\_\_\_.

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_  
on (date) \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

### (c) Place of Compliance.

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

### (d) Protecting a Person Subject to a Subpoena; Enforcement.

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

#### (2) Command to Produce Materials or Permit Inspection.

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

#### (3) Quashing or Modifying a Subpoena.

**(A) When Required.** On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions that the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

### (e) Duties in Responding to a Subpoena.

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

#### (2) Claiming Privilege or Protection.

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

#### (g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

**SCHEDULE A TO SUBPOENA TO ERIE COUNTY CENTRAL POLICE SERVICES**  
***Black Love Resists in the Rust v. City of Buffalo***  
No. 1:18-cv-00719

This subpoena requires production of the electronically stored information described below in the possession, custody, or control of Erie County Central Police Services. Production is to be made, at the election of the producing party, either (a) on removable media, such as a U.S.B. key or a DVD-ROM or (b) by secure file transfer site.

The database from which production is to be made is the TraCS system in use in Erie County. Production is to be made using the UTT\_VIOLATION Table as the main table, with linked associated tables as described in the attached Schedule A-1

***Records to be Produced***

For each distinct entry in the UTT\_VIOLATION table for which BOTH of the following two criteria are satisfied,

- either
  - any of the Violation Date Fields, as defined below, reflects a date from January 1, 2011 to the present, OR
  - all of the Violation Date Fields are blank;

AND

- the POLICE\_AGENCY field states that the ticket was issued by a member of the Buffalo Police Department or the entry in UTT\_VIOLATION table indicates in some other way that is determinable by automated table-lookup procedures that the ticket was so issued,

create a record from such entry and the entries in the linked tables to which such entry points that consists of the fields identified in the attached Schedule A-1.

In addition, please produce the codebook (or code list from the data tables) setting forth the meaning of any coded entries in the fields listed in Schedule A-1 (e.g., numeric codes for Arrest Types). The documents produced in response to this paragraph must be sufficient to identify and decode the coding in each field in Schedule A-1.

***Definitions and Format for Production***

1. For purposes of this subpoena, the term Violation Date Fields means any of the following fields:

Table	Column Name	Data Type	Data Length	Column ID
UTT_VIOLATION	VIOLATION_DATE	DATE	7	62
UTT_VIOLATION	HID_VIO_VIODEATE1	VARCHAR2	10	79
UTT_VIOLATION	HID_VIODEATE	DATE	7	22
UTT_VIOLATION	HID_VIODEATE1	DATE	7	23

2. Production shall be made as either a .csv (comma-separated values) file, with a distinct end-of-record character for each record or (by preference) an Excel™ workbook, with one record per row. In the event that the production called for consists of more than one million rows, it is to be broken up into sequentially identified files, or sequentially identified tabs of an Excel™ workbook, of no more than one million rows each.

3. At your option, if it is desired to avoid producing personally identifying information, it will be permissible not to produce the actual entry in the LICNUMBER field of the INDIVIDUALS table. If you choose to exercise this option, please create sequence numbers or other unique identifiers to place in the LICNUMBER field, such that (a) any two records that do not have the same original LICNUMBER entries do not have the same identifier and (b) any two records that do have the same original LICNUMBER entries do have the same identifier. Please create and maintain a concordance between the original LICNUMBER entries and the newly created identifiers; the concordance need not be produced at this time but should be kept for reference in case of need.

4. For records in which the AGE field of the INDIVIDUALS table is not blank, the DOB field of that table may at your option be left empty in the record created for production. If the AGE field is blank, however, the DOB field must be populated. It is permissible (if done

throughout), but not required, to substitute for the date of birth in the DOB field the whole number of years elapsed from such date of birth to the date of violation.

**SCHEDULE A-1 TO SUBPOENA TO ERIE COUNTY CENTRAL POLICE SERVICES**  
***Black Love Resists in the Rust v. City of Buffalo***  
 No. 1:18-cv-00719

The fields to be included in each record produced, and the tables from which they should be taken, are as follows:

Table	Column Name	Data Type	Data Length	Column ID
UTT_VIOLATION	PRDKEY	VARCHAR2	100	46
UTT_VIOLATION	TICKET_NUM	VARCHAR2	15	50
UTT_VIOLATION	SEQUENCE_NUMBER	VARCHAR2	6	77
UTT_VIOLATION	VIOLATION_DATE	DATE	7	62
UTT_VIOLATION	VIO_TIME	VARCHAR2	15	61
UTT_VIOLATION	HID_TIME	VARCHAR2	15	17
UTT_VIOLATION	HID_VIO_TIME	VARCHAR2	4	78
UTT_VIOLATION	HID_VIO_VIODEATE1	VARCHAR2	10	79
UTT_VIOLATION	HID_VIODEATE	DATE	7	22
UTT_VIOLATION	HID_VIODEATE1	DATE	7	23
UTT_VIOLATION	CO_NAME	VARCHAR2	50	4
UTT_VIOLATION	BADGE_SHIELD	VARCHAR2	10	3
UTT_VIOLATION	HID_OFFICER_FIRST	VARCHAR2	25	11
UTT_VIOLATION	HID_OFFICER_LAST	VARCHAR2	35	12
UTT_VIOLATION	HID_OFFICER_MI	VARCHAR2	2	13
UTT_VIOLATION	OFFICER_FIRST	VARCHAR2	20	35
UTT_VIOLATION	OFFICER_LAST	VARCHAR2	30	36
UTT_VIOLATION	OFFICER_MI	VARCHAR2	2	37
UTT_VIOLATION	POLICE_AGENCY	VARCHAR2	50	45
UTT_VIOLATION	PCT_ZONE	VARCHAR2	2	43
UTT_VIOLATION	VIOLATION_TYPE	VARCHAR2	1	63
UTT_VIOLATION	FELONY	VARCHAR2	1	64
UTT_VIOLATION	INFRACTION	VARCHAR2	1	65
UTT_VIOLATION	MISDEMEANOR	VARCHAR2	1	66
UTT_VIOLATION	ACC RELATED	VARCHAR2	2	68
UTT_VIOLATION	ARREST_TYPE	VARCHAR2	2	2
UTT_VIOLATION	HID_LAWSECTION	VARCHAR2	10	9
UTT_VIOLATION	HID_MUNICODE	VARCHAR2	6	10
UTT_VIOLATION	LAW_DESCRIPTION	VARCHAR2	100	27
UTT_VIOLATION	LAW_SECTION	VARCHAR2	22	28
UTT_VIOLATION	LAW_TYPE	VARCHAR2	4	29
UTT_VIOLATION	LOCAL_CODE	VARCHAR2	30	30
UTT_VIOLATION	MPH	VARCHAR2	6	33
UTT_VIOLATION	MPH_ZONE	VARCHAR2	6	34

Table	Column Name	Data Type	Data Length	Column ID
UTT_VIOLATION	LOCATION_CODE	VARCHAR2	8	31
UTT_VIOLATION	PARKWAY	VARCHAR2	4	42
UTT_VIOLATION	VIO_STREET	VARCHAR2	40	60
LOCATION	CAPTUREDATE	VARCHAR2	40	3
LOCATION	XCOORDINATE	VARCHAR2	25	4
LOCATION	YCOORDINATE	VARCHAR2	25	5
LOCATION	DESCRIPTION	VARCHAR2	200	6
LOCATION	AT_INTERSECTION	VARCHAR2	2	20
LOCATION	DISTANCE_TYPE	VARCHAR2	2	21
LOCATION	INTERSECTION	VARCHAR2	60	22
LOCATION	LOCATION_DIRECTION	VARCHAR2	2	24
LOCATION	LOCATION_DISTANCE	VARCHAR2	8	25
LOCATION	LOCCO	VARCHAR2	25	26
LOCATION	MAP_VERSION	VARCHAR2	20	27
LOCATION	REFERENCE_MARKER	VARCHAR2	24	28
LOCATION	ROAD	VARCHAR2	60	29
LOCATION	SNAPSTATUS	VARCHAR2	2	30
LOCATION	LITERAL_DESCRIPTION	VARCHAR2	150	31
LOCATION	LATITUDE	VARCHAR2	15	32
LOCATION	LONGITUDE	VARCHAR2	15	33
INDIVIDUALS	ZIPCODE	VARCHAR2	10	10
INDIVIDUALS	DOB	DATE	7	11
INDIVIDUALS	AGE	VARCHAR2	5	12
INDIVIDUALS	GENDER	VARCHAR2	10	13
INDIVIDUALS	RACE	VARCHAR2	1	14
UTT_VIOLATION	RACE	VARCHAR2	1	47
INDIVIDUALS	LICNUMBER	VARCHAR2	25	18
INDIVIDUALS	LICTYPE	VARCHAR2	9	19
INDIVIDUALS	LICSTATE	VARCHAR2	2	20
INDIVIDUALS	LICSUSPENDED	VARCHAR2	1	24
INDIVIDUALS	COUNTYNUM	VARCHAR2	2	25
UTT_COURT	CITY	VARCHAR2	35	1
UTT_COURT	COURT_DATE	DATE	7	3
UTT_COURT	COURT_TIME	VARCHAR2	15	4
UTT_COURT	NAME	VARCHAR2	35	7